[1/25/78-Not Submitted] [CF, O/A 548]

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Memo	Brzezinski to Pres. Carter, 6 pp. re:Human rights Opened 10/16/91	1/24/78	A

FILE LOCATION

Carter Presidential Papers-Staff Offices, Office of Staff Sec.-Presidential Handwriting File [1/25/78-Not Submitted] [CF, O/A 548] Box 70

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THE WHITE HOUSE
WASHINGTON

1/25

HJ:

You should be aware of this proposal by ZB for Human Rights Foundation. Perhaps talk to Dick Moe in view of VP's initial objection.

E.

ID 780337 THE WHITE HOUSE

WASHINGTON

DATE: JAN 24 78

FOR ACTION: FRANK MOORE (LES FRANCIS) JIM MCINTYRE

CONFIDENTIAL

INFO ONLY: THE VICE PRESIDENT HAMILTON JORDAN

JODY POWELL

FROM: RICK HUTCHESON WHITE HOUSE STAFF SECRETARY PHONE 456-7052

SUBJECT CONFIDNETIAL BRZEZINSKI MEMO DATED 1/24/78 RE HUMAN RIGHTS FOUNDATION

RESPONSE MUST BE DELIVERED TO THE STAFF SECRETARY

BY 1200 PM THURSDAY JAN 26 78

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: ( ) I CONCUR. (X) NO COMMENT. ( ) HOLD; DO NOT FORWARD.

PLEASE NOTE OTHER COMMENTS BELOW: H.J.

Patti
Ed
OMA submitted
returned 1/26

MEMORANDUM

~~CONFIDENTIAL~~/GDS

THE WHITE HOUSE

WASHINGTON

ACTION

January 24, 1978

MEMORANDUM FOR: THE PRESIDENT

FROM: ZBIGNIEW BRZEZINSKI ZB.

SUBJECT: Human Rights Foundation

Several weeks ago I submitted to you a proposal to create a Human Rights Foundation (HRF). Since then I have further explored the idea with the Vice President and with several outside experts. Based on these discussions, and on the unanimous enthusiasm of those with whom I consulted, I have refined and developed the idea. Nevertheless, what follows is fundamentally unchanged from the original proposal. (U)

1. Need for an HRF.

In addition to performing the important functions listed in Section 2 below, there are several good reasons for establishing an HRF as an Administrative initiative:

-- Hard as it is to believe, human rights leaders in Congress are still convinced that the Administration is not committed to human rights, and pursues the issue only because of Congressional pressure. A positive initiative such as this will help substantially to dispell that myth. We face very contentious human rights issues in the coming Congressional session (e.g., application of the Harkin amendment to inappropriate institutions, more strictures on the IFIs, etc.) and any improvement in the current mood would be an important political plus;

-- human rights has been pretty thoroughly woven into our foreign policy bureaucracy, but this will not last long should one of your successors not share your concern for this issue. The new consultations and procedures could be undone as quickly as they have been created. An independent HRF, funded by Congress, is some insurance that human rights will be an enduring concern, regardless of what may happen inside the State Department;

-- polls have shown that your human rights policy is strongly supported by people all over the world, even in places where the government opposes it. The lasting success of the policy will depend to some extent on our ability to cultivate that support, particularly through non-governmental and semi-governmental organizations of all kinds. While USIA can contribute to this goal to a limited degree, it can best be performed by a semi-governmental institution such as the HRF;

-- while human rights is certainly not a new concern, it is a new policy issue, and it lacks the necessary solid intellectual base. This is particularly true of the positive aspects of a human rights policy (as opposed to negative sanctions and use of leverage). Those inside the government who are fully occupied in implementing existing law and promoting USG interests do not have the time to develop such a base. It is best done outside the government -- in academia, think tanks, etc. An HRF can provide the central direction, support and motivation for a successful, and relevant, scholarly effort. (U)

2. Functions of an HRF.

-- Provide financial and other support to the non-governmental human rights organizations (NGOs) in the US and elsewhere. For years the NGOs have operated quite effectively with little public support, and they now have the potential to do much more. They can often act in circumstances and with techniques that would be inappropriate for the USG. The NGOs need and deserve our support, but at the same time, they must be insulated from direct dependence on the USG.

-- Foster research on human rights. We need research on the different types of human rights, their interactions, the relevance of each in different societial and cultural contexts, and which kinds of policies work best where. We also need to know much more about conditions and longer term trends in individual countries and regions. Though State has worked hard this past year to improve its data base, most of its information comes through official channels which often give a very incomplete picture. Finally, as time goes on, we need a critical assessment of how well our policies are working.

-- Aid victims of human rights violations. Support is badly needed for refugee resettlement efforts, including the retraining (language, professional standards, etc.) and placement of skilled and professional political refugees. An HRF could help to arrange and finance the resettlement of such key individuals -- not in the US where their talents are wasted -- but in other Third World nations badly in need of these skills. Equally important, the HRF can provide direct help and phychological support for dissenters within their own societies by, for example, awarding an annual prize to an artist or writer whose works are suppressed in his own country, or by helping to finance the publication and distribution of suppressed works.

-- Keep international attention focused on human rights issues. The objective here is to generate and sustain a worldwide constituency for human rights. Activities might include:

- Supporting national and international conferences on human rights issues.

~~CONFIDENTIAL~~

- Awarding an annual human rights prize, comparable to the Nobel, for outstanding contributions to human rights anywhere in the world.

- Serving as a central clearing house for information on human rights and on sources of assistance to victims of human rights violations.

- Serving as an "echo-chamber" to amplify the voices of individuals and numerous small groups.

-- Promote efforts to multilateralize governmental human rights policies. While the primary responsibility here rests with the USG, the HRF, working on its own and through the NGOs, could prove a powerful ally in such efforts as: building support for the creation of a UN High Commissioner for Human Rights; energizing the UN Human Rights Commission; evolving harmonious policies among Western nations in the IFIs; and promoting regional human rights organizations in Africa and elsewhere. Particularly in the Third World (and notwithstanding its relationship to the government) the HRF should be able to speak with a voice independent from, and in some cases more credible than, the USG. (U)

3. Structure of an HRF.

A good model for the HRF is the Inter-American Foundation, a quasi-governmental organization that receives its money from Congress but has very loose ties with the USG and makes its own policies. The Foundation is directed by a seven member board, appointed by the President and confirmed by the Senate. The board includes four members from the private sector and three ex officio representatives of the Executive Branch. This arrangement has assured functional autonomy for the Foundation, while preserving a minimum degree of coordination with the USG. In the case of the HRF, I would recommend that the Board be a little larger, and that it include a few members of Congress, fewer Executive Branch officials, and some outstanding non-Americans. But these are details that can be worked out later in consultation with Congress. The important point is that the legislation can be written to reflect whatever degree of linkage is desired between the HRF and the government. (C)

4. Implementation.

If you approve this proposal, I would recommend that we begin consultations with Zablocki, Fraser and Fascell, and on the Senate side with Sparkman, Kennedy and Case. If these prove successful (chances are very good -- we are already aware of support for the idea in the House) the consultations can be expanded to include the members of the Vice President's human rights group. Once the details have been worked out, the proposal can be announced as a Presidential initiative with the appropriate Congressional support. (C)

 ~~CONFIDENTIAL~~

5. Objections to the HRF Proposal.

In his initial evaluation, the Vice President raised two objections to this proposal. First, he was concerned that "such a foundation might do no more than duplicate the work of such organizations as Freedom House and Amnesty International". After extensive consultations, I am satisfied that no one sees more clearly than do these organizations, their own limitations and the great needs left unfilled. Even if the HRF were to do no more than increase the funds available to NGOs, it would have performed a valuable service. However, as the list of ideas outlined in Sections 1 and 2 above indicate, there is a great deal that the HRF can do, that cannot be done by small groups working alone. (C)

Secondly, the Vice President raised the important question of whether "the government would take blame for ineffectiveness or inaction" by the HRF. While there is no way to rule this out, I believe that our experience with the Inter-American Foundation, which has pursued a bold policy in a very sensitive region, indicates that this risk is not too large. While a few US ambassadors have complained from time to time about problems caused by the activities of the Inter-American Foundation, the overall record has been that of an independent entity functioning without embarrassment to the USG. I can conclude only that the advantages of the HRF proposal outweigh the risks. (C)

RECOMMENDATION:

That you approve this proposal, and initiation of Congressional consultations to be carried out by NSC in close consultation with Frank Moore.

APPROVE _____ DISAPPROVE _____

ID 780376 THE WHITE HOUSE

WASHINGTON

DATE: 25 JAN 78

FOR ACTION: HAMILTON JORDAN 1130 - will probably not get back

Dead

HJ replied

INFO ONLY: JIM GAMMILL

SUBJECT: KREPS LETTER DATED 1/24/78 RE APPOINTMENT OF JAMES PATRICK WASLSH AS DEPUTY ADMINISTRATOR OF NOAA

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+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

+ BY: 1200 PM FRIDAY 27 JAN 78 +

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ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: ( ) I CONCUR. ( ) NO COMMENT. ( ) HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

THE WHITE HOUSE

WASHINGTON

January 30, 1978

Dear Juanita:

The President has asked me to advise you that your recommendation for James Patrick Walsh to be nominated for the post of Deputy Administrator of the National Oceanic and Atmospheric Administration has been approved.

The Presidential Personnel Office will be in touch with your office with respect to the necessary papers for the clearance process.

Sincerely,

Hamilton Jordan

Hamilton Jordan
Assistant to the President

The Honorable Juanita Kreps
Secretary of Commerce
Department of Commerce
Washington, D. C. 20230

THE WHITE HOUSE

WASHINGTON

✓	FOR STAFFING
	FOR INFORMATION
	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION	FYI	
		MONDALE
		COSTANZA
		EIZENSTAT
✓		JORDAN
		LIPSHUTZ
		MOORE
		POWELL
		WATSON
		McINTYRE
		SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER

Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

		ARAGON
		BOURNE
		BRZEZINSKI
		BUTLER
		CARP
		H. CARTER
		CLOUGH
		FALLOWS
		FIRST LADY
		HARDEN
		HUTCHESON
		JAGODA
	✓	GAMMILL

		KRAFT
		LINDER
		MITCHELL
		MOE
		PETERSON
		PETTIGREW
		POSTON
		PRESS
		SCHLESINGER
		SCHNEIDERS
		STRAUSS
		VOORDE
		WARREN

THE SECRETARY OF COMMERCE
Washington, D.C. 20230

JAN 24 1978 "ACTION"

Dear Mr. President:

Section 2(c) of Reorganization Plan No. 4 of 1970 establishes within the National Oceanic and Atmospheric Administration a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate now or hereafter provided for Level IV of the Executive Salary Schedule.

This is to recommend your appointment by and with the advice and consent of the Senate of James Patrick Walsh, our candidate for the position of Deputy Administrator.

Mr. Walsh of Washington, D.C., has served as General Counsel of the United States Senate Committee on Commerce, Science, and Transportation, and Director of the National Ocean Policy Study. Prior to becoming General Counsel he served as a staff counsel on the same committee with responsibility for all ocean-related legislative matters; oceans and atmosphere, agency budgets, marine science programs, merchant marine (in particular tanker safety), the United States Coast Guard, Law of the Sea, ocean pollution, coastal zone management, oil spill liability and other related subject areas. He was involved in the development of such legislation as the Alaska Pipeline Act, the Fishery Conservation and Management Act, and the Deepwater Port Act.

This very valuable experience supports his credentials for the position of Deputy Administrator.

A biographical summary and a statement of proposed duties for Mr. Walsh are enclosed. I heartily recommend this selection.

Respectfully,

Juanita

Juanita M. Kreps

Enclosures

The President
The White House
Washington, D.C. 20500

POSITION DESCRIPTION

Deputy Administrator
Executive Level IV

This position is that of Deputy Administrator of the National Oceanic and Atmospheric Administration. The Deputy Administrator assists the Administrator (Level III) in determining the objectives of NOAA, establishing policies to meet these objectives, and formulating and directing the execution of NOAA's programs.

BIOGRAPHICAL

JAMES P. (BUD) WALSH
Room 435 Russell Senate Office Building
Washington, D.C. 20510
(202) 224-9321

Personal

Age 32, born December 28, 1944, North Bend, Oregon. Married, wife Cynthia is a graduate of Stanford University and a registered nurse. Two children, Nicholas, age 5, and Faye, 1 year.

Education

A.B. (History, Political Science and International Affairs), Stanford University, 1967. Captain, Varsity Track and Field Team. Recipient, Jake Gimbel Award, Outstanding Senior Athlete.

J.D., University of Washington School of Law, 1970

LL.M (Master of Law and Marine Affairs), University of Washington, 1971. Assistance provided by the Sea Grant Program. Special research included drafting work on the Washington State Shorelines Management Act of 1971. Research Assistant to Professor William T. Burke.

Employment

November, 1971 to June, 1972, Assistant Attorney-General, State of Washington. Duties included serving as counsel to the Oceanographic Commission of Washington.

September, 1972 to April 1977, Staff Counsel, United States Senate Commerce Committee, and Counsel to the Senate Ocean Policy Study. Areas of responsibility include all ocean-related legislative matters: oceans and atmosphere, agency budgets, marine science programs, merchant marine (in particular, tanker safety), the United States Coast Guard, Law of the Sea, ocean pollution, coastal zone management, oil spill liability and other related subject areas. Legislation worked on includes the Alaska Pipeline Act, the Fishery Conservation and Management Act, and the Deepwater Port Act.

April, 1977 to present, General Counsel, United States Senate, Committee on Commerce, Science, and Transportation. Director, National Ocean Policy Study.

November, 1972, served on U.S. delegation attending a preparatory session for the 1973 IMCO Conference on Marine Pollution from Ships. Attended the Caracas and Geneva session of the Third United Nations Law of the Sea Conference. Member, Law of the Sea Advisory Committee, Department of State.

Member, Washington State Bar Association. Member, American Society for International Law.

THE WHITE HOUSE
WASHINGTON

RICK/BILL:

For the record, Hamilton does not feel this need go to the President. It has been checked out with Moore's shop. I have advised Secretary Kreps that she has approval to go ahead with Walsh.

Eleanor
1/30

ID 780376

THE WHITE HOUSE

WASHINGTON

Comes for Tate 1/28

DATE: 25 JAN 78

FOR ACTION: HAMILTON JORDAN

INFO ONLY: JIM GAMMILL

SUBJECT: KREPS LETTER DATED 1/24/78 RE APPOINTMENT OF JAMES PATRICK WASLSH AS DEPUTY ADMINISTRATOR OF NOAA

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+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

+ BY: 1200 PM FRIDAY 27 JAN 78 +

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ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: ( ) I CONCUR. ( ) NO COMMENT. ( ) HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

OK w/ Tate/Moore. Advised Secy. Kreps. This was approved. Per H.J. 1/30/78

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

25 January 1978

TO: BILL NICHOLS

FROM: RICK HUTCHESON

SUBJECT: "Energy Policy Committee" Executive Order

Per our conversation, I am returning to you materials relating to the proposed Executive Order, "Energy Policy Committee," for revision.

ID 780314 THE WHITE HOUSE

WASHINGTON

Hold for DSC comments Wed am OMB may withdraw

DATE: JAN 23 78

FOR ACTION: STU EIZENSTAT — FRANK MOORE (LES FRANCIS)

JACK WATSON

INFO ONLY: THE VICE PRESIDENT — MIDGE COSTANZA

HAMILTON JORDAN — ZBIG BRZEZINSKI absent

CHARLES SCHULTZE < HOLD

FROM: RICK HUTCHESON WHITE HOUSE STAFF SECRETARY PHONE 456-7052

SUBJECT LIPSHUTZ MEMO DATED 1/20/78 RE PROPOSED EXECUTIVE ORDER ENTITLED "ENERGY POLICY COMMITTEE"

RESPONSE MUST BE DELIVERED TO THE STAFF SECRETARY BY 1200 PM WEDNESDAY JAN 25 78

IS BEING RETYPED

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: ( ) I CONCUR. ( ) NO COMMENT. ( ) HOLD; DO NOT FORWARD.

PLEASE NOTE OTHER COMMENTS BELOW:

1-25 Bill Nichols: Hold for time being

MEMORANDUM

0413

NATIONAL SECURITY COUNCIL

MEMORANDUM FOR: RICK HUTCHESON

FROM: CHRISTINE DODSON

SUBJECT: Proposed Executive Order Entitled "Energy Policy Committee"

I refer to your memo of January 23 requesting comments on the proposed Executive Order establishing an Energy Policy Committee.

We ask that the proposed Executive Order not be sent to the President in its present form. To ensure that the President gets the best possible advice before deciding on the Administration's energy policies, we think that the Executive Council should have a small number of permanent members. Given the importance of energy policy to the conduct of foreign relations and international economic policy, we consider it essential that State, Treasury, CEA, and the NSC be designated as permanent members of the Executive Council.

We will be in touch with Robert Lipshutz and others to explain why we want the Executive Order modified.